

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00139

Stanley Sanders,
Plaintiff,

v.

Bryan Collier et al.,
Defendants.

ORDER

Plaintiff Stanley Sanders, an inmate proceeding pro se, filed this civil-rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Doc. 2.

On April 13, 2022, the magistrate judge issued a report recommending that several defendants be dismissed with prejudice pursuant to 28 U.S.C. § 1915A(b). Doc. 4. The report observed that claims against the remaining defendants would be allowed to proceed. Plaintiff filed written objections. Doc. 9.

The court reviews the objected-to portions of a magistrate judge's report and recommendation de novo. Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1). The report recommended dismissal of the Texas Department of Criminal Justice because it is immune from suit under the Eleventh Amendment as a state agency. Doc. 4 at 3. The plaintiff concedes that point. Doc. 9 at 1.

The magistrate judge also recommended dismissal of several officials as defendants because the plaintiff does not allege facts showing that these defendants were personally involved in violating his constitutional rights in their individual capacities, and any claims for injunctive relief against them in their official capacities would be redundant to similar claims against Defendant Tanner. Doc. 4 at 3–5. Plaintiff's objections to those bases for dismissal are not persuasive. Doc. 9 at 1–5. As the magistrate judge correctly explained, the

alleged failure to remedy a violation in response to a prisoner's grievances or letters does not suffice to make supervisory officials liable under § 1983. *See Mitchell v. Valdez*, No. 3-07-CV-0036-B, 2007 WL 1228061, at *2, n.1 (N.D. Tex. Apr. 25, 2007) (supervisors not responsible for the constitutional violations of their subordinates or for failing to take corrective action in response to grievances).

Having reviewed the magistrate judge's report de novo, and being satisfied that it contains no error, the court overrules plaintiff's objections and accepts the report's findings and recommendation (Doc. 4). The court dismisses defendants Texas Department of Criminal Justice, Collier, Babcock, and Sandifer pursuant to 28 U.S.C. § 1915A(b).

So ordered by the court on June 17, 2022.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge